

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

JAMAL ALI,	:	
Petitioner,	:	
	:	
v.	:	No. 2:19-cv-04339
	:	
MICHAEL CLARK, DISTRICT	:	
ATTORNEY OF THE COUNTY OF	:	
PHILADELPHIA, and ATTORNEY	:	
GENERAL OF THE STATE OF	:	
PENNSYLVANIA,	:	
Respondents.	:	

ORDER

AND NOW, this 22nd day of July, 2022, upon consideration of Petitioner's Petition for Writ of Habeas Corpus, ECF No. 1; the various responses and replies thereto; Petitioner's Motions for Discovery, ECF Nos. 12 and 17; Petitioner's Motion to Amend, ECF No. 11; the Report and Recommendation issued by Magistrate Judge Elizabeth T. Hey on July 7, 2022, ECF No. 24; in the absence of objections to the Report and Recommendation;¹ and for the reasons set forth in the Report and Recommendation, **IT IS ORDERED THAT:**

¹ When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under *de novo* or any other standard. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987), *writ denied* 484 U.S. 837 (1987). "When no objections are filed, the district court need only review the record for plain error or manifest injustice." *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991); *see also Hill v. Barnacle*, No. 15-3815, 2016 U.S. App. LEXIS 12370, at *16-17 (3d Cir. 2016) (holding that even when objections are filed, district courts "are not required to make any separate findings or conclusions when reviewing a Magistrate Judge's recommendation *de novo* under 28 U.S.C. § 636(b)"); *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge's report and

1. The Report and Recommendation, ECF No. 24, is **APPROVED** and **ADOPTED**.
2. Petitioner's Motion to Amend, ECF No. 11, is **GRANTED**.
3. The Petition for Writ of Habeas Corpus, ECF No. 1, is **STAYED** and held in **ABEYANCE**. The matter is placed in **SUSPENSE**.
4. Petitioner shall notify this Court within thirty (30) days following the conclusion of his state court proceedings. If Petitioner does not timely inform this Court of the conclusion of his state court proceedings, this stay and abeyance order will be vacated, and his petition will be dismissed without prejudice.
5. Petitioner's Motions for Discovery, ECF Nos. 12 and 17, are **DENIED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge

recommendation for clear error). The district court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1)(C).